

RESOLUTION NO. 74917

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE DECLARING A FIFTEEN PERCENT WATER
SHORTAGE EFFECTIVE JUNE 1 2009 THROUGH
DECEMBER 31, 2009**

WHEREAS, on February 27, 2009, the Governor declared a state of emergency due to drought and issued a proclamation directing various state agencies to implement a drought emergency plan and provide assistance to those impacted by the drought, and requesting that all urban water users immediately reduce their individual water use by twenty percent (20%); and

WHEREAS, local reservoirs are at roughly sixty-five percent (65%) of capacity, and state reservoirs are below fifty percent (50%), and severe regulatory restrictions on pumping from the Sacramento-San Joaquin River Delta to protect endangered fisheries have sharply reduced the quantity and reliability of imported water supply for the Santa Clara Valley Water District (District); and

WHEREAS, based on the local and state water supply conditions, as well as the Governor's drought proclamation, the District Board on March 24, 2009 adopted a resolution declaring a water shortage and establishing a minimum water conservation level of fifteen percent (15%); and

WHEREAS, as a wholesale water provider, the District does not have direct authority to require residents and businesses to cut water use, and also sent a letter to cities and water retailers asking them to enact ordinances or implement actions according to their Urban Water Management Plans; and

WHEREAS, Chapter 15.10 of Title 15 of the San José Municipal Code provides for the adoption of a resolution declaring a water shortage by this Council whenever a

minimum water conservation level of ten percent (10%) or more has been established by the District; and

WHEREAS, Chapter 15.10 of Title 15 of the San José Municipal Code contains mandatory requirements for water conservation measures that become effective City-wide, upon Council declaration of at least a ten percent (10%) water shortage, with additional mandatory measures applicable upon City Council declaration of water shortages of twenty percent (20%) and above; and

WHEREAS, on April 14, 2009 this Resolution was found to be categorically exempt from environmental review per the provisions of Section 15061(b)(3) of the California Environmental Quality Act of 1970, as amended, under File No. PP09-082;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

Pursuant to Chapter 15.10 of Title 15 of the San Jose Municipal Code, a fifteen percent (15%) water shortage is hereby declared for the purpose of implementing and enforcing mandatory City-wide water conservation measures applicable to a ten percent (10%) water shortage.

ADOPTED this 19th day of May, 2009, by the following vote:

AYES: CHU, CONSTANT, KALRA, LICCARDO, NGUYEN,
OLIVERIO, PYLE, REED.

NOES: NONE.

ABSENT: CAMPOS, CHIRCO, HERRERA.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk